

REGION 5 CITIZEN ADVISORY COUNCIL MEETING

March 28, 2006

Attending: CAC Members - Barb Beck, Douglas Dreeszen, Daniel Dutton, Lee Gustafson, Doug Haacke, Gregory Keller, Aaron Langley, Shawn Todd, Mike Whittington, Robert Willems, Lynn Meade-Larson; DNRC, Water Resources Division – Kevin Smith, Jim Domino, FWP – Director Jeff Hagener, Larry Peterman, Joe Maurier, Charlie Sperry, Gary Hammond, Jenny Pelej, Doug Habermann, Harold Guse, Jim Darling, Ray Mule', Dianne Stiff

Welcome, Introductions, Highlights & Issues: Director Jeff Hagener

Introductions – Jenny Pelej, new Region 5 Information Officer, Joe Maurier, new Parks Division Administrator.

Citizen Advisory Councils (CAC) are now meeting in all regions except Region 4 that is now just going through the recruitment process.

North American Wildlife and Natural Resources Conference – The Director and staff attended this conference March 22-25, 2006. Access is a huge topic nationwide. The Energy Bill is a priority. The Bureau of Land Management is establishing an office in Miles City to get drilling permits out faster. Coal bed methane is a concern. There is talk of having one well per five acres. Fish, Wildlife and Parks (FWP) would like to make this as environmentally safe as possible within Montana and hope to phase in developments. Within the Powder River Basin sage grouse habitat is of significant concern as Montana has the largest coal resource that is untapped within the United States.

Comprehensive Fish and Wildlife Conservation Strategy (CFWCS) – This strategy had to be completed in order to obtain the dollars for species not typically hunted or fished in Montana. Twenty eight states have received full approval including Montana. We are now moving forward to the next stage of implementation.

Access – There is a National Task Force to target access to public land. With changes in land ownership, and the Bureau of Land Management (BLM) and U.S. Forest Services (FS) not placing priorities on access, but rather on selling public land, FWP is negotiating with landowners to get access to public land. The Private Land/Public Wildlife Council is working on the issue of access at bridges. Fencing should not be prohibitive for public access. There will be legislation introduced on this issue.

Bison Hunt – Out of two hunts, 42 bison were taken out of the 50 licenses. Four of the tribes turned down their licenses, so for the nontribal hunters there was 100% success. The Nez Perce Tribe had a youth hunt with five youth taking five bison (justified by treaty rights). There is talk of buying out the grazing allotments to allow spreading of the bison out of the Park, but bison are nomadic not migratory. FWP's Habitat Montana

budget would not go far when looking at buying allotments, so different funding would be needed.

Avian Flu Virus Strain – It's not in Montana yet, but projected to show up within 1 – 1 ½ years. This is due to waterfowl migration. FWP will begin testing both live and dead birds, and we'll see surveillance information soon.

Fishing Access Sites and State Parks - Funding through the license plate registration system has made it better than in the past. FWP would like to acquire new sites, but it takes up to three years to complete a land purchase. FWP is going to be taking opportunities to acquire property before costs become totally untouchable.

DNRC, Water Rights Division – Manages state school trust land and water projects. FWP manages the recreation on the water project sites. Funds are becoming low for maintaining these water projects, so DNRC is looking for ideas to continue funding of these sites. Cooney SP is one example of a partnership of this type.

Charter Review

From last meeting held on November 29, 2005 - Suggestion to add to the Charter that the group identifies opportunities for FWP, and need to note that meetings are open to the public. (Barb Beck)

Suggestion this meeting – On page 2 of the Charter the language should be changed, as CAC is an additional source; shouldn't limit ourselves. (Barb Beck)

DNRC, Water Resource Division – Kevin Smith

The State Water Projects Bureau (SWP) administers the operation, of 21 active storage projects, one hydroelectric project (Toston Broadwater), provides technical assistance to FWP on FWP owned dams, of the 92 regulated by dam safety (high hazard dams in Montana), 24 are DNRC's. High hazard means loss of life if dam fails.

The benefits of these water storage projects are agricultural, municipal/industrial, flood control/or routing, environmental, extends river flows, creates wetland habitat, increases riparian space, and recreational.

Water user associations cover all the water storage project costs. When major repairs or rehabilitation is required, local water user associations cover a substantial portion of the cost. SWP works with the associations to finance the remainder. Revenue comes from SWP's hydropower facilities and water storage account (\$5,000 per year) via the Resource Indemnity Trust Fund. Recent projects include work on the North Fork of the Smith Dam, Cooney Dam spillway riprap, Ruby Dam feasibility study (ongoing), Toston-Broadwater Bridge replacement, Deadman's Basin emergency canal repairs, Flint Creek/East Fork siphon rehabilitation, Nilan project, Smith Creek canal rehabilitation, Ackley Lake rehabilitation.

The number one issue for all dam owners is funding. What funding sources are available for Water Users Association and Private Dam owners? SWP is looking at how to fund rehabilitation efforts, and how to identify key beneficiaries. Rehabilitation efforts require maintaining operating practices. No rehabilitation or improper repairs result in less water available to the whole system.

Question: Who put together the improvements and facilities at Tongue River Reservoir and this must have been given high priority? FWP and rehabilitation project dollars have provided for both the improvements and facilities. This was tied to federal funds for mitigation.

Question: Does DNRC have a proposal for going after recreational dollars? If so, from the sportsman's standpoint, fisherman should have a say in how projects are managed.

Question: Who owns the contract waters? The Associations manage shares for shareholders during the life of the projects.

Question: What is the life of the project? Technically until it fails or the project is abandoned.

Question: How do recreationists pay at Cooney? Through the \$4.00 fee on resident license plates and overnight fees.

Further Questions/Comments, Please Contact: Kevin Smith, Bureau Chief, DNRC, Water Resources Division/State Water Projects Bureau, 1424 9th Avenue, P. O. Box 201601, Helena, MT 59620-1601, Office: (406) 444-2932, e-mail: ksmith@mt.gov.

5-Week Season – Gary Hammond, Regional Supervisor

History: Elk distribution has increased through the years. In 1963, 67% of the occupied elk habitat had a 5-week either-sex season. In 1971, FWP became more restriction with the regulations. Later the antlerless permits were increased which did not get us to our management objectives. In 1978, the elk continue to increase. The in 2004 hunting seasons begin to be liberalized.

The Legislature mandates that FWP be within objectives for elk, deer and antelope populations by January 1, 2009. In Region 5 this fall, for example, we will now allow both resident and nonresident sportsmen to purchase an over the counter antlerless whitetail license valid for all areas in Region 5 except two hunting districts. The reality is that 35% of our elk population is not available for management, because of access. With the customized seasons we were over our objective by 70% in our elk management units. Now we have gone back to the 5-week season structure, and regulations are not as complicated.

The early and late hunts are not prohibited. Game damage assistance will only be provided to landowners if they leave their land open and available for hunting during the

5-week season. The game damage process is being streamlined. We are working on an administrative rule that requires sportsmen to apply and be placed on a roster. Then when a game damage season occurs, a random drawing will be conducted and hunters should be on the ground within 48 hours. This rule should be completed by this July and implemented this fall. Now what about the landowners who have done everything correct, but are having game damage? We'll be looking at management seasons and can change to early or late hunts to help relieve specific problems.

Question: What about 35% of the area where there is no access? Don't have the answer, but FWP is providing all the tools.

Proposed Commercial Use Regulations – Charlie Sperry

FWP is developing a set of rules. Definitions of commercial use include, for example, guided hunting trips, guided walks or tours, trail rides, float trips, etc. Currently there is not enough information in the rules. There are not guidelines for making certain decisions, and more guidelines are needed with the number of users continuing to increase. The FWP Commission asked FWP to work with the public extensively in developing these rules. The draft rules will be taken to the commissioners for approval, another round of public meetings will occur, and then we'll go back to the Commission for the final decision. The final rules should be out by the end of the calendar year.

Questions and Comments:

The River Recreation Advisory Council addressed problems with use on rivers associated with over use (crowding). The big issue raised from the 22 people on this council is that FWP has invested sportsmen dollars and has legislative authority to manage recreation on rivers (i.e., staff, law enforcement) paid by sportsmen. There are many other noncontributing users, including commercial users, and there is a need for equity. There needs to be fees associated with those sites or commercial use on those sites. Commercial users are allowed to use Wildlife Management Areas paid by hunter's dollars. Guided walks, bird watchers, etc., are not contributing, but are subsidized by sportsmen's dollars. There is a potential for conflicts between traditional and nontraditional users. We should limit usage to times of the year that do not infringe upon or interfere with hunters use.

Recommend reading the public comments in the Commercial Use Rules, dated February 16, 2005. Would like to see more comments are on whether commercial use should occur. How much commercial use does the Bighorn River get?

Where are we headed with Fishing Access Sites (FAS)? (For example, on the Bighorn River there is heavy-duty industrial use on those FAS's.) We should charge a royalty fee per user. Charlie indicated that there is a set of statewide river recreation conflict rules that FWP follows called the Statewide River Recreation Rules.

One comment on the definition was it needs to define business or financial gain.

CAC members are to get their comments into Charlie as soon as they can. He is willing to come back with the draft document to our R-5 CAC if they are interested in discussing or commenting on.

Further Questions/Comments, Please Contact: Charlie Sperry, MFWP, 1420 East 6th Avenue, PO Box 200701, Helena, MT 59620-0701, (406) 444-3888, csperry@mt.gov.

Access Discussion: - Mike Whittington

Mike, Doug Haacke, Lee Gustafson, formed a subcommittee to advance on this issue. They basically pulled together some information and got it down on paper to share with the R-5 CAC. First they looked at the potential programs and funding, and then put together a list of potential areas. They are open for corrections and comments.

One comment brought up was that not all counties have the funds to upgrade roads sufficiently as they have funding issues to maintain roads up to county specs. In addition, property tax pays for county road maintenance and the gas tax goes to the city not the county.

Gary Hammond and Jenny Pelej will work with this subcommittee for a continual exchange of information to get a package together to take to County Commissioners before the next CAC meeting. Suggestion to look at the list of potential areas and identify the top priorities, select and then go to the County Commissioners from there. Some of the local clubs like Magic City Flyfisher's, Laurel Rod and Gun Club, etc., have taken it upon themselves to tackle access issues too. How should the CAC work with FWP to minimize conflicts and maximize cooperation in this regard?

CAC Members Issues:

Gregory Keller: Wolves and the potential withdrawal of federal funding.

Mike Whittington: Wolves; U.S. Fish and Wildlife Services recommend delisting, but then the management falls on sportsmen's dollars. Where will the \$650,000 come from to fund the program? Sportsmen's dollars should not be used to manage wolves.

Sportsmen did not ask for the reintroduction.

Lynn Meade-Larson: Education; create an interest in natural resource issues and their value.

Shawn Todd: Push the FWP website; like to see the public use the site more for information, licensing and applying for the drawings.

Aaron Langley: River access; like to see more access points as solutions, and the commercial use rules and economic impacts of the outfitters benefit the smaller communities.

Robert Willems: Complimented Mike, Lee and Doug on what they've done so far on the Access Sub-Committee. Felt this was an informative meeting, and he feels good about the organization (FWP).

Barb Beck: Complimented Ray Mule', Harold Guse and Shawn Stewart for doing a great job with the season setting public meeting in Red Lodge. Felt they listened better than ever. Concerned about selling of public land and emphasized the need to track public land sales.

Doug Dreeszen: Identity theft; like to see the ALS numbers with the date of birth taken off of the sign up cards in the Block Management boxes.

Daniel Dutton: No part of license fees should go toward wolves. In Carbon County public land is being sold. The Sale of Lands Bill sunsets in 2007.

NEXT CAC MEETING: June 27, 2006